IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY

NOTICE OF MOTION NO.22 OF 2007
IN
PETITION NO.73 OF 1983

Re: Vinchi Brothers .... Insolvent

Exparte:

Indur Sukhramdas Gidwani ... Petg.Creditor.

Shree Mahavira Jaina Vidyalaya .. Applicant.

Mr.P.S.Bhatt for Petitioning Creditor.

Mr.Dhanesh R. Shah for the applicant.

Mr.Y.C. Parikh, O.A. present.

CORAM : ANOOP V. MOHTA,J.

DATED : 3rd April, 2007

P.C.

Heard parties. This notice of motion has been taken out by the applicant as the earlier notice of motion which was allowed need more clarification and more details in the prayer clauses.

2. After considering the averments made in this notice of motion, I am inclined to grant this notice of motion in terms of prayer clause (a) as prayed. However this will be subject to the objection and/or appropriate pleas if raised by the insolvent in the proceedings.

3. Accordingly, notice of motion is made absolute in

terms of prayer (a) which reads thus:

> (a) That the applicants be granted liberty to take appropriate proceedings to recover possession of the said premises - shop No.5, Building No.1, Devkaran Mansion, Shamaldas Gandhi Marg, Mumbai - 400 002 and also to recover arrears as per Ex. "E" and future dues all rights against the Official Assignee representing the insolvent by Vinchi Brothers joining Union Bank of India as the occupant of premises.

4. The applicant to file affidavit of service.

[ANOOP V. MOHTA,J.]